

**Request for review**  
**CC Docket No. 02-6**  
**CC Docket No. 96-45**

Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office of the Secretary  
445 12th Street, SW  
Washington, DC 20554

**School Entity Contact Information**

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Name: Andrew Spurlin  
Address: Detroit Lakes Public Schools  
702 Lake Ave  
Detroit Lakes, MN 56501  
Telephone: (218) 841-2788  
Fax: (218) 847-9273  
Email : aspurlin@detlakes.k12.mn.us

Appellant name: Andrew Spurlin  
Email Address: aspurlin@detlakes.k12.mn.us  
Company Name: Detroit Lakes Public Schools  
Billed Entity Name: DETROIT LAKE SCHOOL DIST 22  
Billed Application N°: **697533**  
Funding Request N°(s): 1915306  
"Funding Year 2009 Form 471 Postmarked Outside of Window Letter"

**Exact decision that our school is requesting a waiver of the Application Filing Deadline for  
Funding Year 2009:**

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**"Your 471 application was postmarked on 02/13/2009, which is AFTER the Funding Year 2009-  
2010 filing window closed at 11:59 EST on Thursday, February 12, 2009"**

Our school board held a monthly meeting February 12, 2009. Items on their agenda included the signed contracts for which we had filed form 470's. The business manager who signed the contracts asked that I (Andrew Spurlin) wait to complete our 471 paperwork until after the February 12, 2009 school board meeting (and their approval of the signed contracts).

I (Andrew Spurlin) had intended to complete our two 471's on February 12, 2009 upon the school boards approval, but due to a severe gall bladder attack I was unable to complete that paperwork by the end of that day. I was able to complete the 471's on the next day (February 13, 2009).

It was my purposed intent to complete the 471's on February 12, 2009 after the school board meeting.

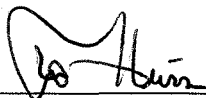
In May 2006, the FCC issued the Bishop Perry Order, which contains provisions for E-rate applicants relating to clerical or ministerial errors. This order also provides provisions for appealing the applications from applicants who missed deadlines for filing the Form 471 due to family emergency or illness as follows: Applications

Denied for Filing Outside the FCC Form 471 Filing Window. We also have before us for consideration 103 appeals of USAC decisions that denied funding for applications that were filed outside of the FCC Form 471 filing window. Some petitioners maintain that they submitted the relevant information on time. Given that it is difficult to determine in these cases whether the error was the fault of the applicant, USAC or a third party, we give the applicants the benefit of the doubt. We find that a slight delay in USAC's receipt of the applications in each of these cases does not warrant the complete rejection of each of these applicants' E-rate applications. Therefore, we find that good cause exists to waive section 54.507 of the rules for these applications.

The rest of the petitioners assert a waiver is appropriate for one of two reasons: either someone on the applicants' staff made a mistake or had a family emergency that prevented them from filing on time or the delay in the filing or receipt of the application was due to circumstances out of the applicants' control. Specifically, in the first group, some of these appeals involve applicants whose staff members inadvertently failed to file the application forms in a timely manner. Another group of petitioners state that they were unable to comply with the filing deadline due to staff illness or relatives of staff members who were ill. Other petitioners claim that the rules and instructions for filing an FCC Form 471 are vague and unclear and that the resulting misunderstandings led to forms being filed after the filing window.

Since the Bishop Perry order sets a precedence for a case of granting appeal to an applicant in which severe illness was the factor in the delay in filing an application, and this was the case in the delay of filing Application Number **697533** for Detroit Lakes Public Schools, we request an appeal of the finding that the application was filed outside of the window and request that our application be reviewed as filed within the filing window.

Signature of Authorized Person

 Bus Mgr. Date 7/6/09

Ted Heisserer

Business Manager

Detroit Lakes Public Schools

702 Lake Ave

Detroit Lakes MN 56501

Tel: (218) 847-9271

Fax: (218) 847-9273



**Universal Service Administrative Company**  
Schools & Libraries Division

**JUN 25 2009**

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**Administrator's Decision on Appeal – Funding Year 2009-2010**

June 19, 2009

Ted Heisserer  
Detroit Lakes Public Schools  
702 Lake Ave  
Detroit Lakes, MN 56501

*Cop7 to  
And7*

Re: Applicant Name: DETROIT LAKES SCHOOL DIST 22  
Billed Entity Number: 133968  
Form 471 Application Number: 697533  
Funding Request Number(s): 1915306  
Your Correspondence Dated: June 16, 2009

The Universal Service Administrative Company (USAC) received your request for a waiver of the Application Filing Deadline for Funding Year 2009 of the Schools and Libraries Universal Service Support Mechanism.

Federal Communications Commission (FCC) rules do not permit USAC to consider requests for waivers. If you believe there is a basis for further examination of your request, you may file a waiver request with the FCC. You should refer to CC Docket No. 02-6 on the first page of your waiver request to the FCC. If you are submitting your waiver request via United States Postal Service, send to: FCC, Office of the Secretary, 445 12th Street SW, Washington, DC 20554. Further information and options for filing a waiver request with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD section of the USAC website or by contacting the Client Service Bureau. We strongly recommend that you use the electronic filing options.

Schools and Libraries Division  
Universal Service Administrative Company